UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/SP/SR.7
17 October 1994

ORIGINAL: ENGLISH

MEETING OF THE STATES PARTIES TO THE CONVENTION
ON THE RIGHTS OF THE CHILD

FOURTH MEETING

SUMMARY RECORD OF THE 7th MEETING

Held at Headquarters, New York,
on Monday, 10 October 1994, at 10 a.m.

Temporary Chairperson: Mr. CORELL
(Representative of the
Secretary-General)

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OPENING OF THE MEETING BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL OF THE UNITED NATIONS

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The meeting was called to order at 12.20 p.m.

OPENING OF THE MEETING BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL OF THE UNITED NATIONS

1. The TEMPORARY CHAIRPERSON, speaking on behalf of the Secretary-General, noted that the number of States parties to the Convention on the Rights of the Child had reached 166, which was close to the goal of universal ratification by 1995, urged by the 1993 World Conference on Human Rights. In the course of official contacts with Member States, the Secretary-General, the High Commissioner for Human Rights and he would urge early ratification of the Convention and, where necessary, encourage States to seek assistance in overcoming special difficulties.

2. The Committee on the Rights of the Child had continued to discharge its responsibilities under the Convention completely and efficiently and was currently holding its seventh session. In addition to considering reports by States parties, the Committee had held thematic discussions on the economic exploitation of children and the role of the family in the promotion of the rights of the child. It had also prepared a preliminary draft optional protocol on the involvement of children in armed conflicts, which would serve as the basis for discussion in the open-ended working group established by the Commission on Human Rights to elaborate a draft optional protocol on the issue of raising the age of recruitment into the armed forces.

3. Noting that the current meeting had been convened to determine the number of the Committee's future sessions, he drew attention to the note by the Secretary-General (CRC/SP/11). The Convention on the Rights of the Child had become, within an exceptionally short period, the international human rights instrument with the largest number of ratifications. Recalling the recommendation made by the World Conference on Human Rights that the Committee should be enabled expeditiously and effectively to meet its mandate, the Committee, at its fifth session, had decided to request the Secretary-General to convene a meeting of the States parties to the Convention and had requested the States parties to determine that the number of annual sessions of the Committee as from 1995, as well as the number of sessions of its working group, should be increased from two to three. If the Committee was to have a third regular session as from 1995, the General Assembly would need to approve any such determination by the States parties at its current session.

4. The programme budget implications for holding an additional session annually were contained in document CRC/SP/12. In the view of the Secretary-General, the Committee's request was fully justified since it received a very large number of reports for consideration. Accordingly, it was indispensable to provide the Committee with an adequate amount of meeting time to enable it to deal with reports in a timely and thorough manner and ensure an effective and fruitful dialogue between the Committee and States parties.

5. Mr. SACIRBEY (Bosnia and Herzegovina) proposed that the States parties to the Convention should decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) should not participate in the work of the fourth meeting.

6. Mr. KHAN (Pakistan) said that he fully supported the proposal.

7. Mr. DJORDJEVIĆ (Yugoslavia) said that the proposal was legally unfounded, politically motivated and totally inconsistent with the letter and spirit of the Convention. If adopted, it would constitute discrimination against a State party to the Convention and might set a dangerous precedent for the status of other States parties and create obstacles for the implementation of the Convention. In accordance with rule 74 of the rules of procedure of the General Assembly, he moved that no action be taken on the proposal and requested, under rule 87 (a) of the rules of procedure, that a roll-call vote be taken on all votes in connection with that question.

8. Mrs. WARZAZI (Morocco) said that if the States parties voted on the motion by Yugoslavia, they would be recognizing ipso facto that that representative could participate in the work of the fourth meeting. The States parties, therefore, should act on the proposal made by the representative of Bosnia and Herzegovina and supported by Pakistan.

9. Mr. GUILLEN (Peru) pointed out that the proposal made by Bosnia and Herzegovina and supported by Pakistan had not been opposed by a second speaker and therefore action should be taken on it.

10. The TEMPORARY CHAIRMAN said that he intended to put the procedural motion by Yugoslavia to the vote.

11. Mr. KHAN (Pakistan) questioned the ruling, pointing out that, in view of the points raised by the representatives of Morocco and Peru, there was no need for a vote on the motion made by Yugoslavia.

12. Mr. DJORDJEVIĆ (Yugoslavia), speaking on a point of order, said that the Temporary Chairman had announced that the voting had begun and points of order could only be raised in connection with the voting.

13. At the request of the representative of Yugoslavia, a vote was taken by roll call on his proposal that no action be taken on the proposal by Bosnia and Herzegovina.

14. Paraguay, having been drawn by lot by the Temporary Chairman, was called upon to vote first.

In favour: Yugoslavia.

Against: Afghanistan, Albania, Algeria, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Canada, Cape Verde, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Egypt, Estonia, Finland, France, Gambia, Germany, Greece, Guatemala, Hungary, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Latvia, Lebanon,

Lithuania, Luxembourg, Mali, Malta, Mauritania, Mauritius, Micronesia (Federated States of), Monaco, Morocco, New Zealand, Nicaragua, Niger, Norway, Pakistan, Paraguay, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Senegal, Sierra Leone, Slovenia, Spain, Sudan, Suriname, Sweden, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Yemen.

Abstaining: Argentina, Bolivia, Brazil, Cambodia, Cameroon, Colombia, Ecuador, Fiji, India, Lao People's Democratic Republic, Nepal, Peru, Romania, Sri Lanka, Togo, Vanuatu, Venezuela.

15. The motion put forward by Yugoslavia was rejected by 1 vote to 66, with 17 abstentions.

16. Mr. DJORDJEVIĆ (Yugoslavia), speaking in explanation of vote before the voting, said that barring his country from participating in the meeting would be inconsistent with the letter and spirit of the Convention on the Rights of the Child. In the view of his delegation, General Assembly resolution 47/1 applied only to his country's participation in the General Assembly; that view had been confirmed by the Legal Counsel in document A/47/485. His country had declared that it would continue the international legal and political personality of its predecessor and would honour all of the latter's international obligations, including, specifically, all duties and obligations arising from the Convention, and it had submitted its report to the Committee on an exceptional basis in November 1993. His delegation had been invited to the meeting, and had duly submitted the necessary credentials.

17. In view of the above and because, in accordance with the decision of the International Court of Justice in the Barcelona Traction case, international human rights instruments should be universally accepted, the Committee was required at the very least to allow his country to participate in the meeting. To deny it the right to participate would set a dangerous precedent of politically motivated action and would imply a suspension of its obligations arising from the Convention. For all of these reasons, his delegation would vote against the proposal.

18. Mr. MATEŠIĆ (Croatia) said that the Federal Republic of Yugoslavia was seeking to participate in the meeting as the representative of the former Socialist Federal Republic of Yugoslavia, not as one of its several successor States, in the hope of thereby establishing a precedent in support of its claim to be the only legitimate successor of that State. The international community had rejected that claim and the Federal Republic of Yugoslavia was therefore required, like all other successor States, to notify the Committee of its succession to the Convention. Until it had done so, it should not be allowed to participate in meetings of the Committee.

19. At the request of the representative of Yugoslavia, a vote was taken by roll call on the proposal by Bosnia and Herzegovina.

20. Panama, having been drawn by lot by the Temporary Chairman, was called upon to vote first.

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Canada, Cape Verde, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Egypt, Estonia, Finland, France, Gambia, Germany, Greece, Hungary, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Mali, Malta, Mauritania, Mauritius, Micronesia, Moldova (Republic of), Monaco, Morocco, New Zealand, Nicaragua, Niger, Norway, Pakistan, Paraguay, Philippines, Poland, Portugal, Republic of Korea, Romania, Senegal, Slovenia, Spain, Sudan, Suriname, Sweden, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Yemen.

Against: Yugoslavia.

Abstaining: Angola, Bolivia, Brazil, Cambodia, Cameroon, Colombia, Ecuador, Ethiopia, Fiji, India, Lao People's Democratic Republic, Mozambique, Nepal, Panama, Peru, Sri Lanka, Togo, Vanuatu, Venezuela, Zimbabwe.

21. The proposal by Bosnia and Herzegovina was adopted by 65 votes to 1, with 20 abstentions.

22. Ms. TOMIČ (Slovenia) reiterated the position of her delegation that all successor States must notify the appropriate treaty bodies of their succession to international treaties concluded by their predecessor States. The Federal Republic of Yugoslavia had not done so in the present instance and was therefore not entitled to participate in the meeting. Her country rejected the attempt by the representative of Yugoslavia to confuse continuity of the international human rights protection regime with that of the legal personality of the Socialist Federal Republic of Yugoslavia.

23. Mr. MUCH (Germany), speaking on behalf of the European Union, Austria, Finland, Norway and Sweden, said that those countries' vote in favour of the proposal did not imply that Yugoslavia should be released from its obligations arising from the Convention.

The meeting rose at 1.30 p.m.

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CRC/SP/SR.8
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MEETING OF THE STATES PARTIES TO THE CONVENTION ON THE RIGHTS OF THE CHILD

FOURTH MEETING

SUMMARY RECORD OF THE 8th MEETING

Held at Headquarters, New York,
on Tuesday, 11 October 1994, at 3 p.m.

Temporary Chairperson: Mr. CORELL (Representative of the Secretary-General)

Chairperson: Ms. BUCK (Canada)

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OTHER MATTERS

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The meeting was called to order at 3.30 p.m.

ELECTION OF THE CHAIRPERSON

1. Mr. FERNANDEZ ESTIGARRIBIA (Paraguay) nominated Ms. Buck (Canada) for the office of Chairperson.

2. Ms. Buck (Canada) was elected Chairperson by acclamation.

3. Ms. Buck (Canada) took the Chair.

ADOPTION OF THE AGENDA

4. The agenda was adopted.

Credentials of representatives

5. The CHAIRPERSON drew attention to rules 2 and 3 of the rules of procedure of the Meetings of the State Parties (CRC/CP/5) and said that the Secretary-General had yet to receive proper credentials from some of the States Parties represented at the Meeting. She suggested that, in accordance with rule 3, the representatives of those States Parties should be provisionally authorized to participate in the Meeting, and at the same time urged to expedite the submission of their credentials to the Secretary-General.

6. It was so decided.

ELECTION OF OTHER OFFICERS OF THE MEETING

7. The CHAIRPERSON said that she had been informed that Mrs. Limjuco (Philippines) had been nominated by the Asian Group for the office of Vice-Chairperson.

8. Mrs. Limjuco (Philippines) was elected Vice-Chairperson by acclamation.

DETERMINATION OF THE DURATION OF THE MEETINGS OF THE COMMITTEE ON THE RIGHTS OF THE CHILD AS PROVIDED IN ARTICLE 43, PARAGRAPH 10, OF THE CONVENTION (CRC/SP/11, CRC/SP/12 and CRC/SP/1994/L.1)

9. The CHAIRPERSON drew attention to the note by the Secretary-General contained in document CRC/SP/11. The programme budget implications of holding one additional annual session of the Committee on the Rights of the Child were set forth in document CRC/SP/12, in particular, in paragraphs 4, 5 and 6. Paragraph 5 indicated that no additional resources would be required for conference servicing under section 25E of the programme budget for the biennium 1994-1995. In paragraph 6, it was noted that additional requirements of US$ 99,900 would arise under section 21 for the biennium 1994-1995 in respect of travel and per diem for the members of the Committee.

10. Ms. STRÖM (Sweden) introduced draft resolution CRC/SP/1994/L.1 on behalf of the sponsors: Australia, Austria, Belgium, Bolivia, Canada, Chile, Costa Rica, the Czech Republic, Denmark, Ecuador, Egypt, Finland, France, Germany, Greece, Hungary, Indonesia, Ireland, Israel, Italy, Latvia, Lithuania, New Zealand, Nicaragua, Norway, Peru, Poland, Portugal, Romania, Slovenia and Spain. She pointed out that, the Convention on the Rights of the Child, within an exceptionally short period since its adoption, had become the international human rights instrument with the largest number of ratifications, demonstrating the international community's special commitment to the promotion and protection of the rights of the child.

11. The Committee on the Rights of the Child had been established under the Convention for the purpose of examining the progress made by States Parties in its implementation. Under article 44 of the Convention, States Parties undertook to submit to the Committee reports on the measures they had adopted which gave effect to the rights recognized by the Convention and on the progress made in the enjoyment of those rights. The World Conference on Human Rights had recommended that the Committee, with the assistance of the Centre for Human Rights, should be enabled expeditiously and effectively to meet its mandate, especially in view of the unprecedented extent of ratifications and subsequent submission of country reports. The Commission on Human Rights had expressed concern about the increasingly heavy workload of the Committee and the resulting difficulties faced by it.

12. The current Meeting had been convened to consider the Committee's proposal that the number of its annual sessions as from 1995, as well as the number of sessions of the working group established to conduct a preliminary review of State Party reports and to consider questions relating to technical assistance and international cooperation, should be increased to three. By 1994, the Committee had received 47 reports, of which it had considered 26 thus far. In addition, 100 reports were overdue. If the Meeting approved the proposal, it would be submitted to the General Assembly for approval. It would have to be taken up in the Third and Fifth Committees before it could be adopted by the Assembly.

13. The sponsors of the draft resolution were convinced that it was vital to provide an adequate measure of time for the meetings of the Committee in order to ensure its continued effectiveness. The States Parties to the Convention had a special responsibility to ensure that the Committee could continue its work unhampered and remained an effective instrument for the protection and promotion of the rights of the child.

14. Mr. FERNANDEZ PALACIOS (Cuba) said that the Secretariat must be very careful to ensure that the proposal was considered in the Fifth and Third Committees before a decision was taken at the level of the plenary Assembly.

15. Ms. MURUGESAN (India) said that her delegation wished to become a sponsor of the draft resolution.

16. Draft resolution CRC/SP/1994/L.1 was adopted.

17. Mrs. HORIUCHI (Japan) said that her delegation fully appreciated the difficult situation of the Committee resulting from its increasing workload and growing backlog and had therefore joined in the consensus on the draft resolution. However, it was her delegation's understanding that the increase in the number of annual sessions of the Committee and of the working group was a temporary measure and could be reviewed in future if necessary from the standpoint of whether it constituted an effective use of United Nations budgetary resources.

18. Mr. FENN (United Kingdom) said that the Committee had made a compelling case for the additional work time and his delegation had gladly joined in the consensus on the draft resolution. However, it was made clear in document CRC/SP/12 that if the additional amount of $99,900 could not be identified within the contingency fund, the Committee's recommendation would not be implemented in 1995. His delegation had joined in the consensus on that understanding, although it would rather have found a clear indication of an area from which resources could be redeployed so that the Committee would be able to plan with some certainty for 1995.

19. Mr. MONGBE (Benin) said that his delegation had joined in the consensus; it could have been a sponsor of the draft resolution if the representative of Sweden had consulted it and other African delegations.

20. Ms. STRÖM (Sweden) said that the draft resolution had been circulated by facsimile late on Friday evening and there had not been time to hold consultations with many delegations.

21. Mr. MONGBE (Benin) said that some delegations did seem to have been informed about the draft resolution.

22. Mr. MAIGA (Mali) said that his delegation endorsed the comments made by the representative of Benin. When consultations were held, all delegations must be involved. It was not acceptable to wait until the last minute to send messages. If his delegation had been informed of the substance of the draft resolution, it would have become a sponsor.

23. Ms. LIMJUCO (Philippines) said that her delegation had joined in the consensus; it would have liked to be a sponsor but there was no clear indication as to where the required additional funds would be found. Since her delegation had not received the text of the draft resolution until that morning, there had been no time for consultations.

OTHER MATTERS

24. Mrs. CASTRO de BARISH (Costa Rica) said that because of the increasing number of States Parties to the Convention, opportunities for participation by States Parties in the Committee had become correspondingly limited. At the third Meeting, her delegation had raised the possibility of amending article 43, paragraph 2, of the Convention to provide for an increase in the number of experts on the Committee to 18.

25. Acting in conformity with article 50, paragraph 1, of the Convention, she had delivered a letter from the Minister for Foreign Affairs of Costa Rica to the head of the Treaty Section in March 1993, assuming that the proposed amendment would be communicated to States Parties. However, her delegation had heard nothing more concerning the fate of the proposed amendment and would welcome a response.

26. Mr. FERNANDEZ PALACIOS (Cuba) said that his delegation would also appreciate a response to the initiative taken by Costa Rica.

27. The CHAIRPERSON said that she had been informed that the Secretariat would contact the representative of Costa Rica to explain the situation.

28. Mrs. WARZAZI (Morocco), supported by Mr. FERNANDEZ PALACIOS (Cuba) said that all the States Parties needed to know what the Secretariat had done or planned to do about the letter from the Minister for Foreign Affairs of Costa Rica.

29. The CHAIRPERSON said that the Secretariat would consult the Treaty Section and the information would be circulated in writing to all delegations at a later date. She declared the Meeting of States Parties closed.

The meeting rose at 4.05 p.m.